

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS, EASTERN DIVISION

04 10818 GAO

HERICK LOUIS

Plaintiff,

v.

GREAT AMERICAN LIFE INSURANCE
COMPANY,

Defendant.

CIVIL ACTION NO.

MAGISTRATE JUDGE *RBC*

RECEIPT # 55511
AMOUNT \$ 150
SUMMONS ISSUED N/A
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. FOU
DATE 4/26/04

NOTICE OF REMOVAL

Pursuant to 28 U.S.C §§ 1441 and 1446, and for the sole purpose of removing this matter to the United States District Court for the District of Massachusetts, Defendant, Great American Life Insurance Company ("Defendant") states:

1. State Court Action.

Plaintiff, Louis Herick filed this action against Defendant in the Superior Court of the Commonwealth of Massachusetts for Suffolk County, docket number SUCV2004-01409. (A true and accurate copy of the Complaint is attached as Exhibit A).

2. Federal Jurisdiction.

The Complaint alleges that the Plaintiff is a resident of Dorchester, Massachusetts and the Defendant is a corporation residing in Cincinnati Ohio. Complaint, ¶¶ 1,2. The Complaint, although vague and unclear, appears to arise out of two insurance policies issued by Great American Life Insurance Company which insured the Plaintiff's aunt, Bertha Raphael, a resident of Florida. The Complaint seeks damages in the amount of \$2,000,000. Consequently, this

Court has original jurisdiction over this matter under the provisions of 28 U.S.C. § 1332, and this matter is properly removable to this Court under the provisions of 28 U.S.C. § 1441.

3. Timeliness of Notice of Removal.

Defendant first received a copy of the Complaint on or about April 12, 2004. Removal of this action is, therefore, timely under 28 U.S.C. § 1446(b).

4. Relief Requested.

Defendants request that the United States District Court for the District of Massachusetts, Eastern Division, assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

Respectfully submitted,

GREAT AMERICAN LIFE INSURANCE
COMPANY
By its attorneys,



Donald E. Fréchette, BBO #547293

Windy L. Rosebush, BBO #636962

EDWARDS & ANGELL, LLP

101 Federal Street


Boston, MA 02110

Telephone: (617) 439-4444

Dated: April 26, 2004

CERTIFICATE OF SERVICE

I, Windy L. Rosebush, hereby certify that on this 26th day of April, 2004, I caused a copy of the foregoing document to be served upon Herick Louis, *pro se*, 400 Savin Hill Avenue, #21, Dorchester, MA 02125 via certified mail, return receipt requested.


Windy L. Rosebush